

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

JIMMY OTERO GONZALES,

Plaintiff,

v.

WARDEN FARLEY,

Defendant.

1:98-CV-06021-OWW-SMS-P

ORDER DENYING PLAINTIFF'S MOTION  
FOR RELIEF FROM PAYING THE FILING  
FEE FOR THIS ACTION

(Doc. 22)

Plaintiff Jimmy Otero Gonzales ("plaintiff") is a state prisoner who was proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On October 7, 1998, plaintiff was granted leave to proceed in forma pauperis in this action. On May 9, 2007, plaintiff filed a motion seeking relief from paying the filing fee. Plaintiff argues that he never consented to the deduction of funds from his trust account, and that he sought leave to proceed in forma pauperis because he cannot afford to pay the filing fee.

Plaintiff's motion is without merit. The in forma pauperis statute allows prisoners to proceed without *prepayment* of the filing fee. 28 U.S.C. § 1915(b)(1). Prisoners are still required to pay the filing fee in full, in forma pauperis status notwithstanding, and if plaintiff has funds available in his trust account, deductions will be made in accordance with the court's order of October 7, 1998, until the \$150.00 filing fee is paid in full. Id.

1 Plaintiff was served with the court orders notifying him of the above on November 4, 1998.  
2 (Court Docs. 8, 9.)

3 Based on the foregoing, plaintiff's motion is HEREBY DENIED.

4  
5 IT IS SO ORDERED.

6 **Dated: May 17, 2007**

**/s/ Sandra M. Snyder**  
UNITED STATES MAGISTRATE JUDGE